

IN RE: PETITION FOR SPECIAL HEARING
W.S. Old Court Road, 1/2 SW of
the NW 1/4 of Greens Lane
(5616 Old Court Road)
2nd Election District
2nd Councilmanic District
New Antioch Baptist Church of
Randallstown - Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-201-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a petition for Special Hearing filed by the owner of the subject property, the New Antioch Baptist Church of Randallstown, by Kenneth J. Barney, Pastor, and Charles E. Arthur, Trustee. The petitioner seeks approval of an addition to an existing church, said addition having been planned to comply to the extent possible with Residential Transition Area (RTA) requirements, pursuant to Section 1801.1.8.1.g(6) of the Baltimore County Zoning Regulations (B.Z.R.), in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Pastor Kenneth Barney, Charles E. Arthur, Trustee, and Paul Lee, the Professional Engineer who prepared the site plan for the subject property. Also appearing in support of the Petition were Isaac James Sutter, Joseph B. Pace, and Lenwood Johnson, who appeared on behalf of the Office of Planning and Zoning. The Petitioner was represented by Brenda Clarke, Esquire. There were no Protestants.

Testimony and evidence presented indicated that the subject property, known as 5616 Old Court Road, consists of a gross area of 4.822 acres, zoned R-1, and is the site of the New Antioch Baptist Church. The Petitioner is desirous of adding onto the existing church to provide much needed space for classrooms, Pastor study, and other uses ancillary

to the Church, which has been growing rapidly since its inception and is in a position to expand. The existing and proposed improvements to the site are depicted on Petitioner's Exhibit 1. The proposed addition will be located approximately 30 feet from the northern property line of the subject site. Inasmuch as RTA requirements require a setback of at least 100 feet from a residential zone line, the requested special hearing is necessary in order to proceed with development.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. The Petitioner has demonstrated through the testimony and evidence offered at the hearing that the proposed addition has been planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and that the site plan in question is expected to be compatible with the character and general welfare of the surrounding residential community located to the north of the subject site. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 20th day of December, 1993 that the Petition for Special Hearing seeking approval of an addition to an existing church, said addition having been planned to comply to the extent possible with

Residential Transition Area (RTA) requirements, pursuant to Section 1801.1.8.1.g(6), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

THK:bjs

ORDER RECEIVED FOR FILING
Date 12/29/93
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



December 22, 1993

(410) 867-4366

Brenda A. Clark, Esquire
1142 York Road
Lutherville, Maryland 21091

RE: PETITION FOR SPECIAL HEARING
W.S. Old Court Road, 1/2 SW of the NW 1/4 of Greens Lane
(5616 Old Court Road)
2nd Election District - 2nd Councilmanic District
New Antioch Baptist Church of Randallstown - Petitioner
Case No. 94-201-SPH

Dear Ms. Clark:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is disagreeable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management Office at 887-3391.

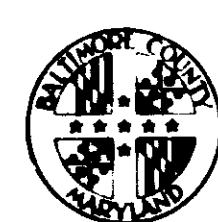
Very truly yours,
Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

THK:bjs

cc: Pastor Kenneth J. Barney
5616 Old Court Road, Randallstown, Md. 21133

Mr. Bobby Gates
4610 Talmon Road, Pikesville, Md. 21208

People's Counsel; File



Petition for Special Hearing to the Zoning Commissioner of Baltimore County

for the property located at 5616 Old Court Road
which is presently zoned DR 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve an addition to new church, planned to comply to the extent possible with RTA use requirements pursuant to section 1.801.1.8.1.g(6)

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

KENNETH L. BARNEY, PASTOR
(Type or Print Name)

Signature

10204 Spruce Way

Ellicott City, MD 21042

Attorney for Petitioner

BOBBY GATES
(Type or Print Name)

Signature

4610 TALMON ROAD (410) 922-8494

Pikesville, MD 21208

NEW ANTIOCH BAPTIST CHURCH OF RANDALLSTOWN

Signature

Pastor Kenneth L. Barney

Charles E. Arthur, Trustee

5616 Old Court Road (410) 521-7866

Randallstown, MD 21133

City Address and phone number of representative to be contacted

PASTOR KENNETH L. BARNEY

10204 Spruce Way (410) 750-7239

City Address and phone number of representative to be contacted

ESTIMATED LENGTH OF HEARING

unavailable for hearing

the following date

ALL OTHER

REVIEWED BY DATE 12/15/93

Paul Lee P.E.

Paul Lee Engineering Inc.
301 W. Pennsylvania Ave.
Towson, Maryland 21204
410-221-5361

DESCRIPTION

5616 OLD COURT ROAD

ELECTION DISTRICT 202 BALTIMORE COUNTY, MD.

Beginning for the same at a point on the north side of Old Court Road, said point also being located Southwesterly-375 feet ± from the center of Greens Lane; thence binding on the north side of Old Court Road: (1) S 59°30'39" W 100.00 feet, and (2) S 59°38'58" W 351.33 feet, thence leaving said north side of Old Court Road (3) N 15°34'11" W 477.17 feet, (4) N 68°35'59" E 495.26 feet, (5) S 21°31'11" E 173.42 feet, (6) S 59°29'43" W 100.00 feet, and (7) S 21°31'11" E 215.00 feet to the point of beginning.

Containing 4.822 acres of land, more or less, and subject to widening of Old Court Road as shown on plan.



#201

Engineer - Surveyor - Site Planner
10/28/93

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 2026 Date of Posting 11/19/93
Posted for: Special Hearing
Petitioner: New Antioch Baptist Church of Randallstown
Location of property: 5616 Old Court Rd, NW, 375' SW of Greens Lane
Location of Sign: Along Old Court Rd, NW, 375' SW of Greens Lane
Remarks: [Signature]
Posted by: [Signature] Date of return: 11/26/93
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. Nov 25, 1993

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov 25, 1993

THE JEFFERSONIAN,
A. Henrichson
LEGAL AD. - TOWSON

receipt

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Street
Towson, Maryland 21204

Date 11/19/93
New Antioch Baptist Church -
5616 Old Court Rd

040 - Special Hearing - 11/25/93
040 - Sign - 11/25/93

Please Make Checks Payable To: Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/observing property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:
Item No. _____
Petitioner: _____
Address: _____
Phone: _____

PLEASE FORWARD ADVERTISING BILL TO:
NAME: _____
ADDRESS: _____
PHONE NUMBER: _____

AL:qgr (Revised 04/09/93)

Item Number: 201
Planner: MJK
Date Filed: 11-9-93

PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

Need an attorney _____

The following information is missing:

- _____ Descriptions, including accurate beginning point
- _____ Actual address of property
- _____ Zoning
- _____ Acreage
- _____ Plans (need 12, only _____ submitted)
- _____ 200 scale zoning map with property outlined
- _____ Election district
- _____ Councilmanic district
- _____ BCZR section information and/or wording
- _____ Hardship/practical difficulty information
- _____ Owner's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- _____ Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address
- _____ Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser
- _____ Power of attorney or authorization for person signing for legal owner and/or contract purchaser
- _____ Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- _____ Notary Public's section is incomplete and/or incorrect and/or commission has expired

PET-FLAG (TXTSOPH)
11/17/93

TO: PUPPUS PUBLISHING COMPANY
11/25/93 Issue - Jeffersonian

Please forward billing to:
New Antioch Baptist Church of Randallstown
5616 Old Court Road
Randallstown, Maryland 21133
ATTN: CHARLES E. ARTHUR
410-521-7866

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-201-SPH (Item 201)
5616 Old Court Road
W/S Old Court Road, 375' SW of c/l Green Lane
2nd Election District - 2nd Councilmanic
Petitioner: New Antioch Baptist Church of Randallstown
HEARING: FRIDAY, DECEMBER 10, 1993 at 11:00 a.m. in Rm. 106, County Office Building.

Special Hearing to approve an addition to a new church.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

NOVEMBER 17, 1993

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-201-SPH (Item 201)
5616 Old Court Road
W/S Old Court Road, 375' SW of c/l Green Lane
2nd Election District - 2nd Councilmanic
Petitioner: New Antioch Baptist Church of Randallstown
HEARING: FRIDAY, DECEMBER 10, 1993 at 11:00 a.m. in Rm. 106, County Office Building.

Special Hearing to approve an addition to a new church.

Arnold Jablon
Arnold Jablon
Director

TO: New Antioch Baptist Church of Randallstown
Pastor Kenneth L. Barney
Bobby Gates, Jr.

NOTES: (1) ZONING SHOW A SHEET MUST BE RETURNED TO RM. 106, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

November 10, 1993

Bobby Gates, Esquire
4610 Talmon Road
Pikesville, Maryland 21208

RE: Case No. 94-201-SPH, Item No. 201
Petitioner: New Antioch Baptist Church of Randallstown
Petition for Special Hearing

Dear Mr. Gates:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on November 9, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

11-22-93

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 94-201 (MJK)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
for DAVID N. RAMSEY, ACTING CHIEF
John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2250 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management
DATE: December 3, 1993

FROM: Robert W. Bowling, Senior Engineer
Development Plan Review Section

RE: Zoning Advisory Committee Meeting
for November 23, 1993
Item No. 201

The Development Plan Review Section has reviewed the subject zoning item. Old Court Road needs to be widened to 50 feet, with concrete curb and gutter along the entire property frontage.

The approved landscape plan must be amended prior to release of permits.

BWB:s

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: December 10, 1993

SUBJECT: 5616 Old Court Road

INFORMATION:

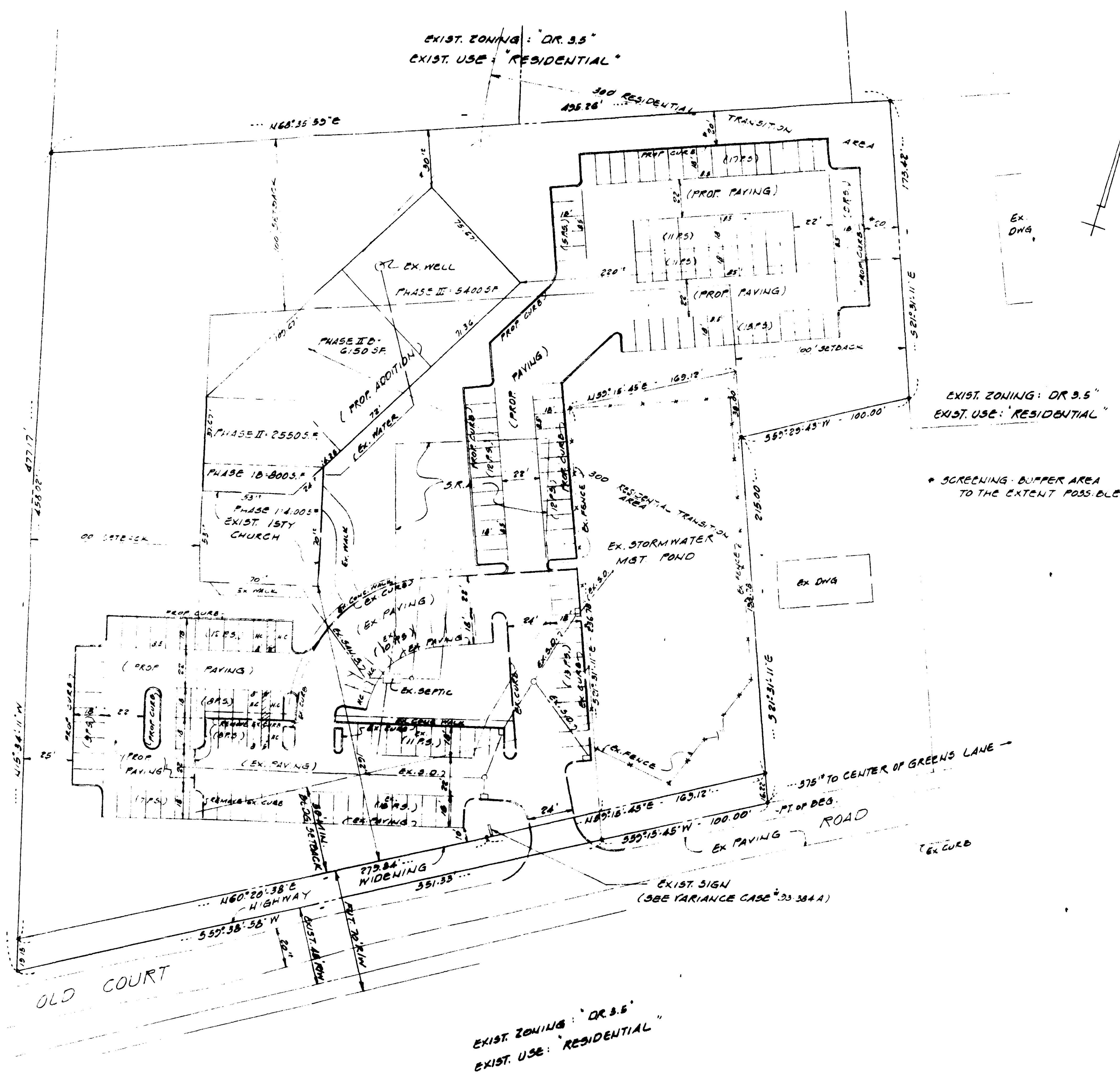
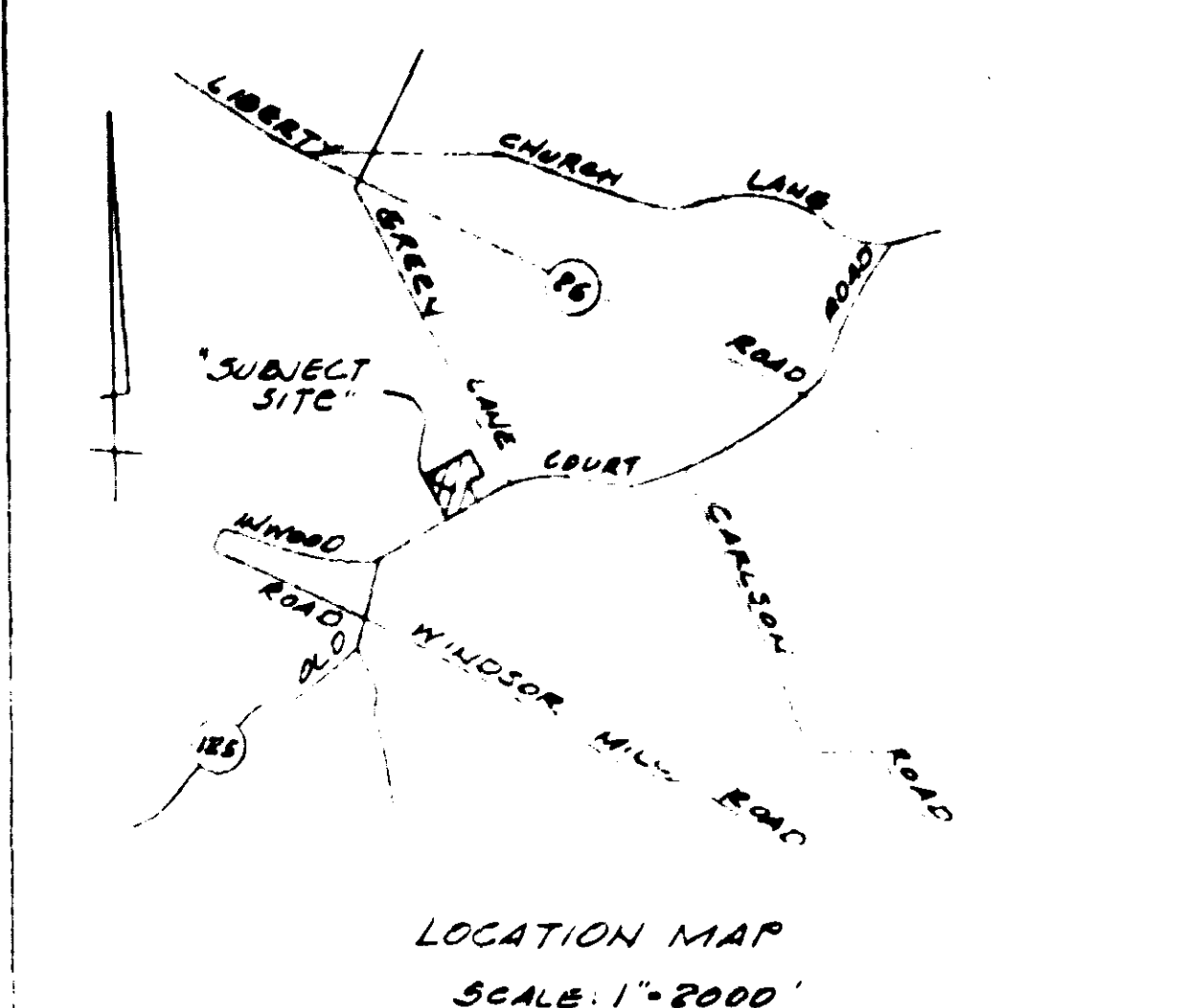
Item Number: 201
Petitioner: New Antioch Baptist Church of Randallstown
Property Size: _____
Zoning: D.R. 3.5
Requested Action: _____
Hearing Date: _____

SUMMARY OF RECOMMENDATIONS:

Based upon the information provided, staff supports the applicant's request; however, the following condition is offered should the request be granted:

- Additional buffering with vegetation and/or fencing is recommended to further buffer the homes on the adjoining property.

Prepared by: *Jeffrey W. Loo*
Division Chief: *Pat Keller*
PK/JL:lw



GENERAL NOTES

1. TOTAL AREA OF SITE = 4,472 AC. (GROSS - 4,022 AC.)
2. EXISTING ZONING OF SITE = DR 3.5"
3. EXISTING USE OF SITE = "NEW ANTIOCH BAPTIST CHURCH"
4. PROPOSED ZONING OF SITE = "DR 3.5"
5. PROPOSED USE OF SITE = "NEW ANTIOCH BAPTIST CHURCH"
6. REQUIRED NO. PARKING SPACES:
A. TOTAL NO. OF SEATS 581/4 (453/4 + 113.2 + 114.75)
7. NUMBER OF PARKING SPACES SHOWN = 88 FS.
8. PETITIONER REQUESTING A SPECIAL HEARING TO SECTION 1801.10.1.3 (6)
OF THE OCCR TO SHOW COMPLIANCE TO EXTENT POSSIBLE WITH
THE ITA USE REQUIREMENT.
9. PROPERTY SERVED BY PRIVATE SEWER AND WATERS
10. C.R.G. WAIVER - MAY 118 GRANTED 4-2-87
ORG. "LIMITED EXEMPTION" WAIVER NO 92-03 GRANTED 12-9-92
11. ZONING CASE "93-384-A FOR SIGN AREA VARIANCE GRANTED 6-3-93.
12. EXISTING BUILDING AREA - PHASE I = 4,003 S.F.
PROPOSED " PHASE I A = 800 S.F.
PHASE II A = 2550 S.F.
PHASE II B = 6150 S.F.
PHASE III = 5400 S.F.
- TOTAL = 13,003 S.F.

94-201-SPH

PLAT TO ACCOMPANY PETITION
FOR
SPECIAL HEARING
NEW ANTIOCH BAPTIST CHURCH
5616 OLD COURT ROAD

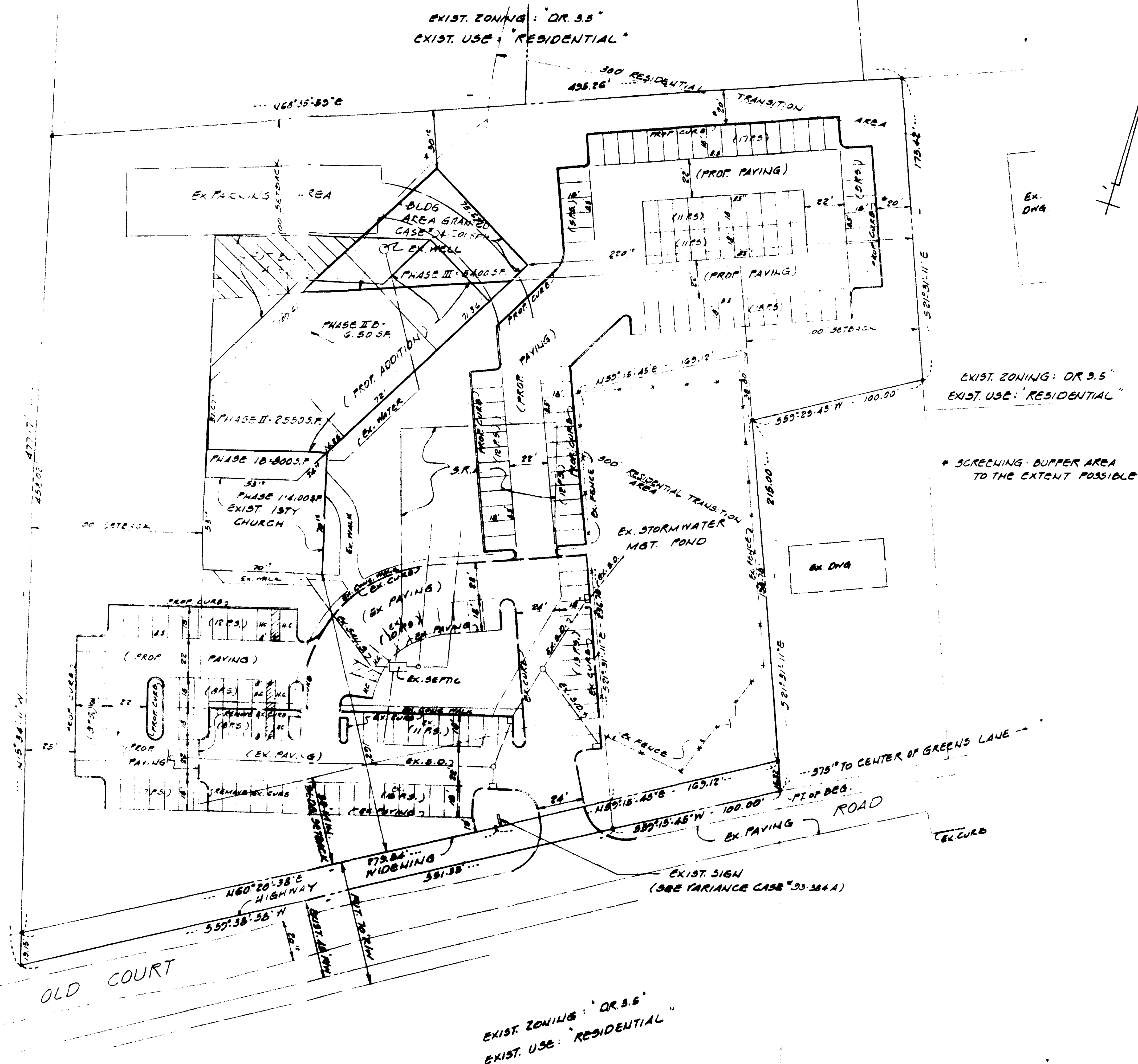
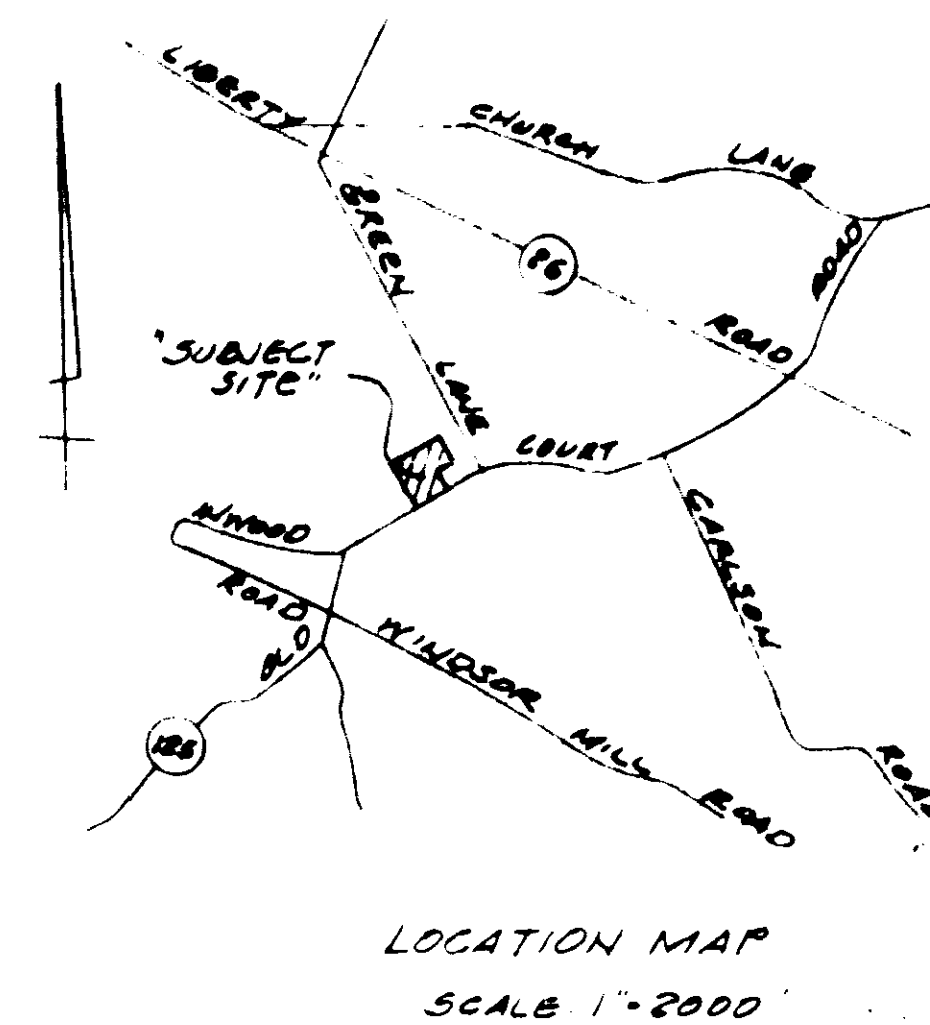
**PETITIONER'S
EXHIBIT NO. 1**

ELECT. DIST. 2C2 BALTIMORE COUNTY, MD
SCALE: 1" = 30' OCT. 1993

#201

PAUL LEE ENGINEERING, INC
304 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND - 21204





GENERAL NOTES

1. TOTAL AREA OF SITE • 4,472 AC ± (GROSS • 4,822 AC ±)
2. EXISTING ZONING OF SITE • DR 3.5'
3. EXISTING USE OF SITE • "NEW ANTIOCH BAPTIST CHURCH"
4. PROPOSED ZONING OF SITE • "DR 3.5"
5. PROPOSED USE OF SITE • "NEW ANTIOCH BAPTIST CHURCH"
6. REQUIRED NO. PARKING SPACES:
A. TOTAL NO. OF SEATING (1/4 (433/4) = 113.2 = 114 RS.
7. NUMBER OF PARKING SPACES SHOWN • 118 RS.
8. PETITIONER REQUESTING A SPECIAL HEARING TO SECTION 1 DOB 1.D.1.g(6)
OF THE OZCZ TO SHOW COMPLIANCE TO EXTENT POSSIBLE WITH
THE TTA USE REQUIREMENT
9. PROPERTY SERVED BY PRIVATE SEWER AND WATER
10. ORIGINATOR: MAY 11-82 GRANTED 4-21-87
DRG LIMITED EXEMPTION: MAY 11-83 GRANTED 2-9-88
11. ZONING CASE #23 304 A FOR SIGN AREA VARIANCE GRANTED 6-8-83
12. EXISTING BUILDING AREA: PHASE I • 2,000 S.F.
PROPOSED " " " " PHASE I A • 800 S.F.
" " " " PHASE II A • 5,450 S.F.
" " " " PHASE II B • 2,150 S.F.
" " " " PHASE III • 5,000 S.F.
TOTAL • 15,000 S.F.

SPECIAL HEARING SEEKING APPROVAL OF AN ADDITION TO AN EXISTING CHURCH, 340 ADDITION HAVING BEEN PLANNED TO COMPLY TO THE EXTENT POSSIBLE WITH RESIDENTIAL TRANSITION AREA (RTA) REQUIREMENTS GRANTED 12-22-93 CASE# 94-201-9PH.

PLAN SHOWING RECALC'D BUS DELTA* 64 TO DETERMINE IF 1-2 VERSION COMPLYS TO THE EXTENT POSSIBLE WITH THE RESIDENTIAL TRANSITION AREA (RTA) REQUIREMENTS AS GLANCED BY DEPUTY ZONING COMMISSIONER IN CASE# 94-201 SPH, 12-22-23.

PLAT TO ACCOMPANY PETITION
FOR

SPECIAL HEARING
NEW ANTIOCH BAPTIST CHURCH
5615 OLD COURT ROAD

REVISED
PLANS APPROVED
OFFICE OF PLANNING & ZONING
DATE 5/24/94
Changes appeared by
Tom Kutsch, Library Comm.

94-201-SPH

ELECT. DIST. CO.
SCALE 1"=30'

BALTIMORE COUNTY, MD
OCT 1993
APRIL 20, 1994

PAUL LEE ENGINEERING, INC.
304 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND - 21204



